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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 20, 2001

APPLICATION OF

OPENBAND OF VIRGINIA, LLC

CASE NO. PUC010161

For certificates of public
convenience and necessity
to provide local exchange and
interexchange telecommunications
services

ORDER FOR NOTICE AND COMMENT AND
GRANTING INTERIM AUTHORITY

On July 31, 2001, OpenBand of Virginia, LLC ("OpenBand" or "Applicant"), filed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia and requested interim authority to provide the above-referenced telecommunications services.¹ In the above-referenced application, OpenBand is requesting interim authority to provide telecommunications services under the tariffs of OpenBand, Inc.

¹ By Commission Order dated July 26, 2000, in Case No. PUC000119, Dean Networks of Virginia, Inc. ("Dean Networks"), was authorized to provide local and interexchange telecommunications services throughout the Commonwealth of

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that OpenBand's application should be docketed; that the Applicant should give notice to the public of its application; that interested Parties should have an opportunity to comment and request a hearing on OpenBand's application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC010161.

(2) OpenBand of Virginia, LLC, is hereby authorized to operate and to provide telecommunications services to customers under the tariffs of OpenBand of Virginia, Inc., until the Commission renders a decision in this proceeding.

(3) On or before September 14, 2001, the Applicant shall complete publication of the following notice to be published on

Virginia. Subsequently, by Order dated November 9, 2000, in Case No. PUC000300, the Commission amended the certificates granted to Dean Networks to reflect the changed name of OpenBand of Virginia, Inc. ("OpenBand, Inc."). On June 28, 2001, M. C. Dean, Inc., OpenBand, Inc., and OpenBand, filed a joint petition requesting approval to transfer ownership and control of the public service company, OpenBand Inc., to the limited liability company, OpenBand. That joint petition is docketed as Case No. PUA010032. Since the proposed transfer will not transfer Certificate No. TT-104B authorizing OpenBand Inc. to provide interexchange telecommunications services and Certificate No. T-500a to provide local exchange telecommunications services, OpenBand has filed this application.

one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION
BY OPENBAND OF VIRGINIA, LLC, FOR
CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE AND
INTEREXCHANGE TELECOMMUNICATIONS SERVICES
THROUGHOUT THE COMMONWEALTH OF VIRGINIA
CASE NO. PUC010161

By Order of the State Corporation Commission ("Commission") dated November 9, 2000, in Case No. PUC000300, OpenBand of Virginia, Inc. was authorized to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia.

On June 28, 2001, M.C. Dean, Inc., and OpenBand of Virginia, Inc., filed a joint petition requesting approval to transfer ownership and control of OpenBand of Virginia, Inc., ("OpenBand, Inc.") to the limited liability company, OpenBand of Virginia, LLC ("OpenBand"). That proceeding is docketed as Case No. PUA010032. If approved, that joint petition would not transfer OpenBand of Virginia, Inc.'s Certificate No. TT-104B authorizing it to provide interexchange telecommunications services and Certificate No. T-500a authorizing it to provide local exchange telecommunications services to OpenBand.

On July 31, 2001, OpenBand of Virginia, LLC ("OpenBand" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its

interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia and requested interim authority to provide the above-referenced services using the tariffs of OpenBand, Inc.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from OpenBand's counsel, Eric M. Page, Esquire, LeClair Ryan, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060.

Any person desiring to comment on OpenBand's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing on or before October 1, 2001, to the Clerk of the Commission at the address set out below.

Any person may request a hearing on OpenBand's application by filing an original and fifteen (15) copies of its request for hearing on or before October 1, 2001, with the Clerk of the Commission at the address set out below. Requests for hearing must state with specificity why a hearing should be conducted.

All written communications to the Commission concerning OpenBand's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC010161.

OPENBAND OF VIRGINIA, LLC

(4) On or before September 14, 2001, Applicant shall provide a copy of the notice contained in ordering paragraph three (3) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) Any person desiring to comment in writing on OpenBand's application for a certificate to provide local exchange and interexchange telecommunications services may do so by directing such comments on or before October 1, 2001, to the Clerk of the Commission at the address set forth below. Comments must refer to Case No. PUC010161.

(6) On or before October 1, 2001, any person wishing to request a hearing on OpenBand's application for certificates to provide local exchange and interexchange telecommunications services shall file an original and fifteen (15) copies of its request for hearing in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written requests for hearing shall refer to Case No. PUC010161 and shall state the following: (i) a precise statement of the interest of the filing

Party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Copies shall also be served on the Applicant.

(7) On or before October 15, 2001, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(8) The Commission Staff shall analyze the reasonableness of OpenBand's application and present its findings in a Staff Report to be filed on or before October 19, 2001.

(9) On or before October 24, 2001, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony in rebuttal to the Staff Report or parties' objections and requests for hearing. A copy of the rebuttal testimony shall be delivered to Staff and the other parties by overnight delivery.

(10) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Parties shall provide to the Applicant, other additional parties, and Staff any workpapers or documents used in preparation of their requests for hearing, promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Rules.